



A REGULAR MEETING OF THE WESLACO CITY COMMISSION

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, April 5, 2011 at 6:00 p.m. for the purpose of discussing the following items:

I. CALL TO ORDER

- A. Roll Call/Establish a Quorum.
- B. Certification of Public Notice
- C. Invocation.
- D. Pledge of Allegiance.
- E. Mayoral Proclamations.

II. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of Minutes of the Special Meeting of March 11, 2011. Attachment.
- B. Approval of Minutes of the Regular Meeting of March 15, 2011. Attachment.
- C. Approval of the annual lease agreement with the Weslaco Little League through July 31, 2011 to continue providing organized recreational activities at Isaac Rodriguez Park Minor Field and Harlon Block Sports Complex Field #1 and concession stands. Attachment.
- D. Approval of the request by Valley Association for Independent Living (VAIL) for use of the Harlon Block Sports Complex pavilion #34 on Saturday, April 16 from 3:00 – 6:00 p.m. to celebrate “Deaf Awareness Month” and waive all fees associated with the event. Attachment.
- E. Approval of the request by H.E.B. Grocery Warehouse and the Transportation Department to use all of the Isaac D. Rodriguez Park Area (Ball Fields, Service Center and Swimming Pool) to host their Annual Partner Picnic on Sunday, May 22, 2011 from 12:00 noon to 6:00 p.m. and the pool area from 12:00 noon to 5:00 p.m. with the assistance of the Parks and Recreation Department and to waive all fees associated with the event. Attachment.
- F. Approval of a request by Fenix Autism Awareness to close 320-feet of

Plaza Los Encinos Drive south from Expressway 83 frontage for a Fun Run Bike Rally and Cook Off on Saturday, April 9 and waive all fees associated with the event. Attachment.

- G. Approval of Resolution 2011-20 endorsing the Valley Metro Job Access and Reverse Commute grant application to expand service on Saturdays, close gaps in service weekdays, extend daily operating hours to 7:00 p.m., re-align routes to improve efficiency and effectiveness, and add route service in key locations, including Weslaco. Attachment.

III. APPOINTMENTS

Standard documentation

- A. Discussion and consideration to approve Resolution No. 2011-16 and Resolution No. 2011-17 to appoint two members to the Library Board. Possible action. Attachment.
- B. Discussion and consideration to approve Resolution No. 2011-18 and Resolution No. 2011-19 to appoint two members to the Traffic Safety Committee. Possible action. Attachment.

IV. NEW BUSINESS

- A. Discussion and consideration to reconsider Resolution No. 2010-20 to include a uniform attendance policy, establishing three consecutive absences from any board or committee as appointed just cause for removal and replacement. Possible action. Attachment.
- B. Discussion and consideration to approve Change Order No. 3 with Closner Construction Company, L.C. in an amount of \$4,449.75 to be deducted from the total contract price for the Westgate Drive improvement project. Possible action. Attachment.
- C. Discussion and consideration to approve final pay application and certificate of completion with Closner Construction Company, L.C. in an amount of \$34,474.12 for the Westgate Drive improvement project. Possible action. Attachment.
- D. Discussion and consideration on establishing priority infrastructure needs and authorize the preparation of interlocal agreements with Hidalgo County Precinct One. Possible action. Attachment.
- E. Discussion and consideration on the purchase of an excavator. Possible action. Attachment.
- F. Discussion and consideration to utilize the Federal Emergency Management Agency (FEMA) funds secured through the Hazard Mitigation Grant Program to pay for engineering fees in compliance with federal procurement procedures for the Flood Drainage Improvement

- Project at the Las Brisas del Oro Subdivision and authorize the Mayor to execute any related documents. Possible action. Attachment.
- G. Discussion and consideration to authorize the submission of the Hazard Mitigation Grant Program application in the amount of \$2,400,000.00 for the joint administration of the Community Safe Room Operations Plan, to approve the Memorandum of Understanding with IDEA Academy for the contribution of the 25% local match requirement, and authorize the Mayor to execute any related documents. Possible action. Attachment.
 - H. Discussion and consideration to enter into a development agreement with the Economic Development Corporation of Weslaco to provide the south-half of City Hall for a new business, visitor, and event center to house the visitor center and offices for the Economic Development Corporation of Weslaco. Possible action. Attachment.
 - I. Discussion and consideration to accept a bid received on tax resale property described as Lots 4 and 5, Block 13, L.D. Morgan's Addition, approve Resolution No. 2011-21 authorizing the tax resale, authorize a budget amendment as may be appropriate, and authorize the Mayor to execute the tax resale deed and any related documents. Possible action. Attachment.
 - J. Discussion and consideration to reject the bid for Water Treatment Plant Generator project Bid No. 2010-11-05 from Metro Electric, Inc. in the amount of \$299,400.00 and to authorize the Re-Advertisement of Bids for the construction phase of the Water Treatment Plant Generator project located at 2500 N. Texas Blvd. Possible action. Attachment.
 - K. Discussion and consideration to award the bid contract for the Wastewater Treatment Plant Standby Generator Set Replacement Bid No. 2010-11-04 to Holt Cat in the amount of \$235,319.83, waive the informalities of the bid, and authorize the Mayor to execute all necessary documents. Possible action. Attachment.
 - L. Discussion and consideration to approve a budget amendment in an amount not to exceed \$70,443.00 to increase the Police Department's general fund account, Capital Outlay 01-512-4010, for funding acquired through the JAG Edward Byrne Grant #2009-SB-B9-1377 as accepted by City Commission at the meeting of July 6, 2010 for the purchase of computer equipment (laptops and all software, etc.). Possible action. Attachment.
 - M. Discussion and consideration to utilize Federal Equitable Sharing funds by the Police Department in an amount not to exceed \$5,995.00 to pay Court Costs for the acquisition of vehicles and the purchase of laptops and PTS software and authorize a budget amendment as needed. Possible action. Attachment.

- N. Discussion and consideration to select the best qualified, most advantageous proposal as vendor for Fire Department uniforms based on the results of the bid opening RFP 2010-11-06 on March 14, 2011. Possible action. Attachment.
- O. Discussion and consideration to select the best qualified, most advantageous proposal as vendor for Fire Department bunker gear based on the results of the bid opening RFP 2010-11-07 on March 14, 2011. Possible action. Attachment.
- P. Discussion and consideration to include video of public meetings, including Regular Commission meetings, on the City of Weslaco's website for viewing and download. Possible action. Attachment.
- Q. Discussion and consideration to utilize a paperless agenda packet for the next regular meeting of the City Commission in observance of Earth Day on April 22, 2011. Possible action. Attachment.
- R. Discussion and consideration to implement departmental reorganization with appropriate budget amendments. Possible action. Attachment.

V. CITY MANAGER'S REPORT

- A. Report on Departmental Update, Upcoming Meetings and Appointments. Attachment.
- B. Report on Legislative Update. Attachment.
- C. Report on 2010 United Way of South Texas Sustaining Membership Certificate. Attachment.
- D. Recognition of South Texas Arson Response Team with Jack Sneed Award.

VI. PUBLIC COMMENTS

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. The Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

If you are discussing something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

VII. EXECUTIVE SESSION

Texas Government Code, Section 551 Open Meetings:

§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty

(a) A member of a governmental body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

- (1) commits an offense; and
- (2) is liable to a person injured or damaged by the disclosure for:
 - (A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;
 - (B) reasonable attorney fees and court costs; and
 - (C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:

- (1) the defendant had good reason to believe the disclosure was lawful; or
- (2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. [Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.]

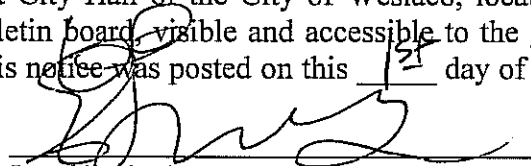
NOTE: Any documentation related to the following items will be distributed during Executive Session as part of the certified agenda; such documents may be available to any member of the Commission for advance inspection through the City Secretary's Office.

- A. Pending Litigation – Consult with City Attorney regarding CL-11-0877-A *Adjusters International v. City of Weslaco* pursuant to §551.071 of the Texas Government Code.
- B. Consultation – Consult with City Attorney regarding the legal issues raised in connection to the agreements with Meridian Solar and Sigler Winston Greenwood & Associates on the Photo Voltaic Solar Array Project as authorized by §551.071 (2) of the Texas Government Code.
- C. Consultation – Consult with the City Manager and City Attorney regarding the possible investigation of the acts and conduct of employees in a City of Weslaco Department pursuant to Article V §19 of the Weslaco City Charter and §551.071 (2) of the Texas Government Code.

**VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED
IN EXECUTIVE SESSION**

IX. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance outside bulletin board, visible and accessible to the general public during and after regular working hours. This notice was posted on this 1st day of April, 2011 at 7:45 a.m./p.m.


By: Elizabeth M. Walker, City Secretary
City of Weslaco

NOTE: If any accommodation for a disability is required, please notify the City Secretary's Office at (956) 968-3181, Ext. 3100 prior to the meeting date.